

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
(Richmond Division)

IN RE:

SAM AMIR-EBRAHIMI,

DEBTOR.

)
) Chapter 13
)
)
) Case No. 16-33585-KRH
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)
)

**BENCHMARK COMMUNITY BANK'S OBJECTION TO
DEBTOR'S SECOND MOTION TO EXTEND TIME
TO FILE CHAPTER 13 PLAN AND RELATED MOTIONS**

COMES NOW Benchmark Community Bank ("Benchmark"), a secured creditor herein, and for its objection to the Debtor's second motion to extend the time for filing a Chapter 13 Plan and related motions, states as follows:

1. Benchmark is a secured creditor of the Debtor and previously instituted and scheduled a foreclosure sale against certain real property owned by the Debtor which sale was stayed by the filing of the Debtor's initial Chapter 13 Bankruptcy (Case No. 16-32356-KRH) on May 10, 2016 (the "First Bankruptcy Proceeding").
2. Following the Debtor's filing of the First Bankruptcy Proceeding the Debtor filed two (2) motions to extend the time for the filing of the Plan and supporting documentation.
3. On June 22, 2016, the Court held a hearing on the Debtor's second motion to the extend time in the First Bankruptcy Proceeding, the debtor failed to appear, the Court denied the second motion and by Order entered June 23, 2016, the Court dismissed the First Bankruptcy Proceeding.
4. Subsequently, the Debtor filed a motion to vacate the order dismissing the First Bankruptcy Proceeding, to which Benchmark objected. The Court denied the Debtor's motion to vacate the dismissal and the dismissal of the Debtor's First Bankruptcy was final.

5. On July 20, 2016, the Debtor filed a second Chapter 13 bankruptcy petition herein designated as Case No. 16-33585-KRH (the "Second Bankruptcy Proceeding"). Again at the initial filing of the Second Bankruptcy Proceeding neither a Chapter 13 Plan nor supporting documentation was filed.

6. The Debtor filed his initial motion to extend the time to file the Chapter 13 Plan and related motions in the Second Bankruptcy Proceeding on August 3, 2016 (Docket No. 15). The Clerk of the Court granted the Debtor's motion to extend time by Order entered August 4, 2016. At that time, pursuant to the Order, the Debtor was given a deadline of August 17, 2016 to file a Plan and was given a deadline of September 1, 2016 to file schedules and a statement of affairs.

7. On August 18, 2016, the Debtor filed its second motion seeking an extension of time to file Schedules, Statement of Affairs and Statement of Current Income (Doc # 18). The Debtor's Plan, which was previously due on August 17, 2016, was not filed and the Debtor's and second motion does not request an extension of time to file said Plan.

8. This Debtor filed his First Bankruptcy Petition on May 10, 2016, to stop the foreclosure sale by Benchmark. The Debtor has now reaped the benefits of a bankruptcy stay for approximately fifteen (15) weeks and counting without filing a Plan or any supporting documents. In both proceedings he has now file three (3) extension requests, has never attended a Section 341 meeting and upon information and belief has never paid anything to the Chapter 13 Trustee's in either case. The Debtor is an individual with only a few creditors and it is highly unlikely that his financial assets and liabilities are of such a complex nature that a fourth extension of time to file his Plan and Schedule of Assets and Liabilities is necessary or warranted.

9. The Debtor failed to comply with the deadline for filing his Plan as previously ordered by this Court. This Debtor is “working the system” to the detriment of Benchmark and other creditors. The Debtor has been reaping the benefits of the Bankruptcy Code since May 10, 2016 without complying with any of the corresponding responsibilities.

10. Benchmark believes that the filing of the Second Bankruptcy Petition and the actions of the Debtor including the failure to file a Chapter 13 plan , among other things, constitute an unreasonable delay that is prejudicial to his creditors including Benchmark.

11. Benchmark believes the Debtor's request for a second extension in the Second Bankruptcy to file his Schedules of Assets and Liabilities should be denied and the case should be dismissed for, among other things, the failure to timely file a Chapter 13 plan.

WHEREFORE, Benchmark Community Bank prays that this Court deny the Debtor's second motion to extend the deadline for filing his schedules, statement of affairs and related documents and that the Debtor's case be dismissed for his failure to file a Chapter 13 Plan timely without seeking an extension and that Benchmark may have such other and further relief as may be appropriate under the circumstances.

Date: August 19, 2016

BENCHMARK COMMUNITY BANK

By /s/ Paul S. Bliley, Jr.
Of Counsel

Paul S. Bliley, Jr. (VSB No. 13973)
WILLIAMS MULLEN
P.O. Box 1320
Richmond, VA 23218-1320
Counsel for Benchmark Community Bank

Certificate of Service

I hereby certify that on the August 19, 2016, I did send a copy of the foregoing Objection to Motion Vacate Order of Dismissal by first class mail, postage pre-paid or by electronic communication to the following:

Suzanne E. Wade, Trustee
P.O. Box 1780
Richmond, VA 23218-1780

Sam Amir-Ebrahimi, Debtor
4751 Jonesboro Road
Blackstone, VA 23824

/s/ Paul S. Bliley, Jr.
Paul S. Bliley, Jr.

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